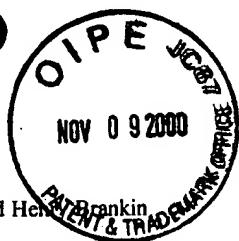


Our Docket No.: 1365.007US1

Inventor(s): John Slaby, Thomas Loughlin and Henry Franklin  
Serial No (if assigned): 09/550,324

Page 1 of 4



SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

## United States Patent Application

### COMBINED DECLARATION AND POWER OF ATTORNEY

**COPY**

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: AN APPARATUS AND METHOD FOR CONTROLLING ACCESS TO A SERVICE OVER A COMMUNICATIONS SYSTEM

The specification of which was filed on April 14 2000 as application serial no.09/550,324 and was amended on April 14 2000.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37. C.F.R. §1.63(e).

I hereby claim foreign priority benefits under Title 35, United States Code, §119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT International application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

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APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)
PCT/GB97/02850	16 <sup>th</sup> October 1997	Pending

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Adams, Gregory J.	Reg. No. 44,494	Huebsch, Joseph C.	Reg. No. 42,673	Nielsen, Walter W.	Reg. No. 25,539
Anglin, J. Michael	Reg. No. 24,916	Jurkovich, Patti J.	Reg. No. 44,813	Oh, Allen J.	Reg. No. 42,047
Bentley, Dwayne L.	Reg. No. P-45,947	Kalis, Janal M.	Reg. No. 37,650	Padys, Danny J.	Reg. No. 35,635
Bianchi, Timothy E.	Reg. No. 39,610	Kaufmann, John D.	Reg. No. 24,017	Parker, J. Kevin	Reg. No. 33,024
Billion, Richard E.	Reg. No. 32,836	Klima-Silberg, Catherine I.		Peacock, Gregg A.	Reg. No. 45,001
Black, David W.	Reg. No. 42,331		Reg. No. 40,052	Perdok, Monique M.	Reg. No. 42,989
Brennan, Leoniede M.	Reg. No. 35,832	Kluth, Daniel J.	Reg. No. 32,146	Polglaze, Daniel J.	Reg. No. 39,801
Brennan, Thomas F.	Reg. No. 35,075	Lacy, Rodney L.	Reg. No. 41,136	Prout, William F.	Reg. No. 33,995
Brooks, Edward J., III	Reg. No. 40,925	Leffert, Thomas W.	Reg. No. 40,697	Schumm, Sherry W.	Reg. No. 39,422
Chu, Dinh C.P.	Reg. No. 41,676	Lemaire, Charles A.	Reg. No. 36,198	Schwegman, Micheal L.	Reg. No. 25,816
Clark, Barbara J.	Reg. No. 38,107	Litman, Mark A.	Reg. No. 26,390	Shaw, Stephen H.	Reg. No. P-45,404
Dahl, John M.	Reg. No. 44,639	Lundberg, Steven W.	Reg. No. 30,568	Slifer, Russell D.	Reg. No. 39,838
Drake, Eduardo E.	Reg. No. 40,594	Mack, Lisa K.	Reg. No. 42,825	Smith, Michael G.	Reg. No. P-45,368
Eliseeva, Maria M.	Reg. No. 43,328	Maki, Peter C.	Reg. No. 42,832	Speier, Gary J.	Reg. No. P-45,458
Embreton, Janet E.	Reg. No. 39,665	Malen, Peter L.	Reg. No. 44,894	Steffey, Charles E.	Reg. No. 25,179
Fogg, David N.	Reg. No. 35,138	Mates, Robert E.	Reg. No. 35,271	Terry, Kathleen R.	Reg. No. 31,884
Fordenbacher, Paul J.	Reg. No. 42,546	McCrackin, Ann M.	Reg. No. 42,858	Tong, Viet V.	Reg. No. P-45,416
Forrest, Bradley A.	Reg. No. 30,837	Nama, Kash	Reg. No. 44,255	Viksnins, Ann S.	Reg. No. 37,748
Harris, Robert J.	Reg. No. 37,346	Nelson, Albin J.	Reg. No. 28,650	Woessner, Warren D.	Reg. No. 30,440

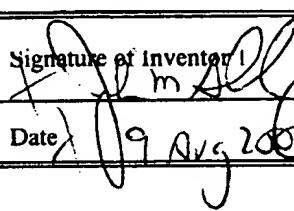
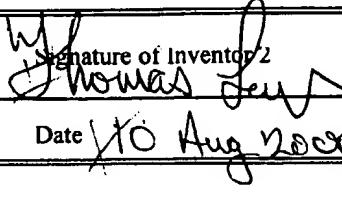
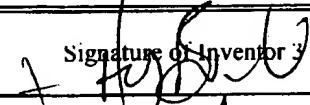
I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

**P.O. Box 2938, Minneapolis, MN 55402  
Telephone No. (612) 339-0331**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1	Full Name of Inventor	Family Name	First Given Name	Second Given Name
		Slaby	John	
	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
		Windsor	United Kingdom	USA
	Post Office Address	Post Office Address	City	State & ZipCode/Country
16a Bolton Crescent, Windsor		Windsor	United Kingdom	
2	Full Name of Inventor	Family Name	First Given Name	Second Given Name
		Loughlin	Thomas	
	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
		Balbriggan	Ireland	Ireland
	Post Office Address	Post Office Address	City	State & ZipCode/Country
6 Ardgillen Road, Ardgillen Heights		Balbriggan	Ireland	
3	Full Name of Inventor	Family Name	First Given Name	Second Given Name
		Brankin	Henry	
	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
		Delgany	Ireland	Ireland
	Post Office Address	Post Office Address	City	State & ZipCode/Country
Sherington, Old Downs Way,		Delgany	Ireland	

Signature of Inventor 1	Signature of Inventor 2	Signature of Inventor 3
		
Date 19 Aug 2000	Date 10 Aug 2000	Date 10 AUG 2000

**§ 1.56 Duty to disclose information material to patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



#7

## SMALL BUSINESS

### VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 C.F.R. 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

a)  the owner of the small business concern identified below; or  
b)  an official of the small business concern empowered to act on behalf of the concern identified below.

NAME OF CONCERN: Virtual Access Ireland Limited  
ADDRESS OF CONCERN: Unit 17, IDA Enterprise Centre  
Pearse Street  
Dublin 2, Republic of Ireland

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. 121.3-18, and reproduced in 37 C.F.R. 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled An apparatus and method for controlling access to a service over a communications system by inventor(s) John Slaby, Thomas Loughlin, and Henry Brankin described in U.S. Patent Application No. 09/550,324, filed on April 14 2000.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. 1.9(c) or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. 1.27)

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

a)  INDIVIDUAL b)  SMALL BUSINESS CONCERN c)  NONPROFIT ORGANIZATION

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

a)  INDIVIDUAL b)  SMALL BUSINESS CONCERN c)  NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereof, or any patent to which this verified statement is directed.

NAME THOMAS A. HUGHES  
TITLE COO  
ADDRESS 20 HOLLOWAY DRIVE VIRGINIA WATER SURREY GU254ST  
SIGNATURE Thomas A. Hughes DATE 28 Sept 2000